



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/993,670

11/27/2001

Song Han

19111.0053

8023

68009

7590

05/26/2009

Hanify & King, P.C.

1055 Thomas Jefferson Street, NW

Suite 400

WASHINGTON, DC 20007

EXAMINER

PATEL, DHAIRYA A

ART UNIT

PAPER NUMBER

2451

MAIL DATE

DELIVERY MODE

05/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/993,670	Applicant(s) HAN ET AL.	
	Examiner Dhairya A. Patel	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,13-17,20,21,23-27 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,13-17,20,21,23-27,30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication filed on 3/3/2009.
2. Applicant amended claims 1,3,4,10,11,13,14,20,21,23,24,30. Claims 1,3-7,10,11,13-17,20,21,23-27,30 are now subject to examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-7,10,11,13-17,20,21,23-27,30 rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. U.S. Patent # 6,263,209 (hereinafter Reed) in view of Nakagawa et al. U.S. Patent # 7,266,376 (hereinafter Nakagawa)

As per claim 1, Reed teaches a method for providing location-based event service comprising the steps of:

a) obtaining information, either from a cache operable to store information indicating locations of a plurality of mobile users (Fig. 1 element 122) or querying at least one mobile positioning server (column 5 lines 17-24, lines 28-50), indicating a current location of a plurality of mobile users, including a selected mobile user; (column 5 lines 17-28, lines 54-63)

NOTE: The reference teaches getting the information about plurality of mobile users who have portable subscriber units with the mobile users about their current location and fixed portion including a user selected (column 5 lines 54-63) from a mass

Art Unit: 2451

medium (cache operable) which stores information regarding locations and recording times for the portable subscriber units and the users (column 5 lines 17-24). The reference also teaches that mass medium can be located on the server which can be used to obtain information regarding locations and the times of the mobile users (querying one mobile server). The reference also teaches each portable subscriber unit is carried by the user and in Fig. 1 element 122, shows multiple portable subscriber unit which means that there are plurality of users since portable subscribe unit are carried by the users so if there are multiple portable subscribers units and there has to be equal amount of users, and locations of plurality of users and portable subscriber units are stored in the mass medium (column 5 lines 53-63).

- determining if at least one condition requiring of the plurality of mobile users is satisfied based on the indicated current location of the selected mobile user (column 5 lines 17-28, lines 54-67);

NOTE: The reference teaches comparing the current location just taken with the attribute stored in the database (determining at least one condition) to determine whether an alert is necessary. The attribute is collected from the plurality of users and their portable subscriber units (column 5 lines 17-28). Then the comparison is made from the current location of the user selected and the attribute collected from the plurality of users, which is stored in the database. Therefore when the comparing the current location with the attribute stored in the database is satisfied is same as determining if at least one condition (comparing) requiring the plurality of mobile users

Reed teaches calculating a time interval to wait before repeating steps a)-b) when the at least one condition is not satisfied (column 6 lines 5-20), wherein calculation of the time interval to wait is based on the selected mobile user (column 6 lines 8-20), wherein the selection mobile user is based on the selected mobile user being the least likely mobile user from among the plurality of mobile users to satisfy the condition (column 7 lines 1-45).

NOTE: The reference teaches calculating the time interval to wait i.e. when the portable subscriber unit determines that the current time is within predetermined time e.g. 10 minutes of closing time (calculating time interval to wait), the portable subscriber unit checks the location of the user if the user is in the building and if so sending an alert to the user by a message that the lobby will be closing in ten minutes (before repeating steps a-c). The reference also teaches plurality of mobile user having portable subscribers units with plurality of times and in plurality of locations and mobile user is selected which updates the user schedule database of the requesting portable subscriber unit with a reminder leave airport at 2:50pm so that the user can arrive airport at 4p.m (selected mobile user being least likely mobile user from among plurality of mobile user to satisfy the condition). In these two examples, the mobile user is least likely to satisfy condition that is why an alert is sent.

Nakagawa also teaches calculating an event time and waiting until the event time has elapsed before repeating steps a)- b) when the at least one condition is not satisfied (column 9 lines 40-49), wherein calculation of the time interval to wait is based on the selected mobile user, (column 9 lines 1-10, lines 40-49). Nakagawa also teaches a)

Art Unit: 2451

obtaining information, either from a cache operable to store information indicating locations of a plurality of mobile users (Fig. 1 element 300) or querying at least one mobile positioning server (column 7 lines 30-40), indicating a current location of a plurality of mobile users, including a selected mobile user; (column 7 lines 30-40)

NOTE: The reference teaches mobile phone transmits the telephone # of itself to server (Fig. 1 element 100) while transmitting coordinate data to the server as positional information of the mobile phone itself (indicating current location of the plurality of mobile user, including a selected mobile user).- determining if at least one condition requiring of the plurality of mobile users is satisfied based on the indicated current location of the selected mobile user (column 7 lines 45-67)(column 8 lines 1-9); performing at least one event when the at least one condition is satisfied (column 9 lines 11-23)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Nakagawa's invention in Reed's invention with to calculating event time and waiting till event time when at least one condition is not satisfied. The motivation for doing so would have been so that to find out from the current location of the users, which individual user of the plurality of mobile users would be the last user to respond and therefore a message/alert can be sent based on the calculated distance.

As per claim 3, Reed and Nakagawa teaches the method of claim 1 but Nakagawa further teaches, wherein the step of: calculating the a time interval to wait based on the selected mobile user comprises the steps of:

Art Unit: 2451

-estimating a time at which the selected mobile user is likely to satisfy a condition based on at least one of: a distance from a current location of the selected mobile user to a region relevant to the condition, and a velocity of the selected mobile user; and (column 9 lines 29-40)

-determining the time interval to wait based on the estimated time at which the selected mobile user contributes least to traffic overhead (column 9 lines 29-35, lines 41-44).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Nakagawa's invention in Reed et al's invention to estimate at time a selected mobile user likely to satisfy a condition and determine a time interval to wait based on estimated time which the user contributes least to traffic overhead. The motivation for doing so would have been to determine the wait and to find out from the current location of the user how much estimated time it is going to take for the selected user to respond and reducing over-the-air traffic.

As per claim 4, Reed and Nakagawa teaches the method of claim 3, but Reed further teaches wherein the obtaining step comprises the steps of:

-searching the cache operable to store information indicating locations of a plurality of mobile users for information indicating a location of the selected mobile user; (column 5 lines 17-24)(column 5 lines 54-67) (column 6 lines 1-4) (column 6 lines 21-34)

The reference teaches getting the information about plurality of mobile users who have portable subscriber units with the mobile phone about their current location and

Art Unit: 2451

fixed portion including a user selected (column 5 lines 54-63) from a mass medium (cache operable) which stores information regarding locations and recording times for the portable subscriber units and the users (column 5 lines 17-24). The reference also teaches each portable subscriber unit is carried by the user and in Fig. 1 element 122, shows multiple portable subscriber unit which means that there are plurality of users since portable subscribe unit are carried by the users so if there are multiple portable subscribers units and there has to be equal amount of users, and locations of plurality of users and portable subscriber units are stored in the mass medium (column 5 lines 53-63).

-using the information indicating the location of the selected mobile user as the information indicating the current location of the selected mobile user, when the information indicating the location of the selected mobile user is found in the cache; (column 5 lines 54-67) (column 6 lines 1-4, lines 21-34, lines 45-52) and

The reference teaches comparing the current location information of the user with the attribute (stored in cache) to determine if the alert is necessary.

-querying at least one mobile positioning server to obtain the information indicating the current location of the selected mobile user, when the information indicating the location of the selected mobile user is not found in the cache. (column 6 lines 1-4, lines 21-52)

As per claim 5, Reed and Nakagawa teaches the method of claim 4, but Reed further teaches wherein the at least one event comprises transmitting a message (column 5 lines 54-67) (column 6 lines 1-20).

The reference teaches the alert message is transmitted to the mobile user.

As per claim 6, Reed and Nakagawa teaches the method of claim 5, but Reed further teaches wherein the message is transmitted to a mobile user (Column 5 lines 54-67) (Column 6 lines 1-20). The reference teaches the alert message is transmitted to the mobile user.

As per claim 7, Reed and Nakagawa teaches the method of claim 5, but Reed further teaches wherein the message is transmitted to a non-mobile user (Column 6 lines 31-62).

The reference teaches updates the second customer (non-mobile user) about the delay of the sales person (Mobile user) who was scheduled to arrive at a certain time.

As per claim 10, Reed and Nakagawa teaches the method of claim 4, but Nakagawa further teaches wherein the contribution to the traffic overhead on the mobile network relates to a location of the plurality of mobile users and to a time (column 9 lines 29-35, lines 41-44). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Nakagawa's invention in Reed et al's invention to have contribution to network overhead which relates to location of plurality of mobile users and to a time. The motivation for doing so would have been so that to find out from the current location of the users, which individual user of the plurality of mobile users would be the last user to respond and therefore a message/alert can be sent based on the calculated distance.

As per claims 11, 13-17, 20, they teach same limitations as claims 1,3-7,10 respectively, therefore rejected under same basis.

As per claims 21,23-27,30, they teach same limitations as claims 1,3-7,10 respectively, therefore rejected under same basis.

Response to Arguments

Applicant's arguments filed 3/3/2008 have been fully considered but they are not persuasive.

As per remark, Applicant argues that claims 1,3-7,10,11,13-17,20,21,23-27 and 30 are rejected under U.S.C. 103(a) as being unpatentable over Reed et al. U.S. Patent # 6,263,209 in view of Souissi et al. U.S. Patent # 6,091,959. Examiner would like to point out that claims 1,3-7,10,11,13-17,20,21,23-27 and 30 are rejected under U.S.C. 103(a) as being unpatentable over Reed et al. U.S. Patent # 6,263,209 in view of Nakagawa et al. U.S. Patent # 7,266,376 (hereinafter Nakagawa).

As stated in the above rejection, Nakagawa teaches calculating an event time and waiting until the event time has elapsed before repeating steps a)- b) when the at least one condition is not satisfied (column 9 lines 40-49), wherein calculation of the time interval to wait is based on the selected mobile user, (column 9 lines 1-10, lines 40-49). Nakagawa also teaches a) obtaining information, either from a cache operable to store information indicating locations of a plurality of mobile users (Fig. 1 element 300) or querying at least one mobile positioning server (column 7 lines 30-40), indicating a current location of a plurality of mobile users, including a selected mobile user; (column 7 lines 30-40) **NOTE:** Nakagawa further teaches mobile phone transmits the telephone # of itself to server (Fig. 1 element 100) while transmitting coordinate data to the server as positional information of the mobile phone itself (indicating current location of the

Art Unit: 2451

plurality of mobile user, including a selected mobile user).- determining if at least one condition requiring of the plurality of mobile users is satisfied based on the indicated current location of the selected mobile user (column 7 lines 45-67)(column 8 lines 1-9); performing at least one event when the at least one condition is satisfied (column 9 lines 11-23)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Nakagawa's invention in Reed's invention with to calculating event time and waiting till event time when at least one condition is not satisfied. The motivation for doing so would have been so that to find out from the current location of the users, which individual user of the plurality of mobile users would be the last user to respond and therefore a message/alert can be sent based on the calculated distance.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Method and Apparatus in a wireless communication system for creating a learning function" by Reed et al. U.S. Patent # 6,263,209.

B). "Method and Apparatus in a two-way wireless communication system for location-based message transmission" by Souissi et al. U.S. Patent # 6,091,959.

4. A shortened statutory period for response to this action is set to expire **3**

(three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2451

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451